

§ 166.1

40 CFR Ch. I (7–1–13 Edition)

166.32 Reporting and recordkeeping requirements for specific, quarantine, and public health exemptions.

166.34 EPA review of information obtained in connection with emergency exemptions.

166.35 Revocation or modification of exemptions.

Subpart C—Crisis Exemptions

166.40 Authorization.

166.41 Limitations.

166.43 Notice to EPA and registrants or basic manufacturers.

166.45 Duration of crisis exemption.

166.49 Public notice of crisis exemptions.

166.50 Reporting and recordkeeping requirements for crisis exemption.

166.53 EPA review of crisis exemption and revocation of authority.

AUTHORITY: 7 U.S.C. 136p, and 136w.

SOURCE: 51 FR 1902, Jan. 15, 1986, unless otherwise noted.

Subpart A—General Provisions

§ 166.1 Purpose and organization.

(a) *Purpose and scope.* Section 18 of the Act authorizes the Administrator to exempt State and Federal agencies from any provision of the Act, if he determines that emergency conditions exist which require an exemption. The regulations in this part establish procedures whereby the Administrator may exempt a Federal or State agency from the provisions of the Act which regulate the manner in which a pesticide is made available for use or is used.

(b) *Organization.* (1) The provisions in subpart A of this part describe the four types of emergency exemptions authorized by the Agency and define terms used in this part.

(2) Subpart B of this part establishes procedures and criteria for specific, quarantine, and public health exemptions.

(3) Subpart C of this part establishes procedures and criteria for crisis exemptions.

§ 166.2 Types of exemptions.

There are four types of emergency exemptions which may be authorized: specific, quarantine, public health, and crisis exemptions.

(a) *Specific exemption.* A specific exemption may be authorized in an emergency condition to avert:

(1) A significant economic loss; or

(2) A significant risk to:

(i) Endangered species,

(ii) Threatened species,

(iii) Beneficial organisms, or

(iv) The environment.

(b) *Quarantine exemption.* A quarantine exemption may be authorized in an emergency condition to control the introduction or spread of any pest that is an invasive species, or is otherwise new to or not theretofore known to be widely prevalent or distributed within and throughout the United States and its territories.

(c) *Public health exemption.* A public health exemption may be authorized in an emergency condition to control a pest that will cause a significant risk to human health.

(d) *Crisis exemption.* A crisis exemption may be utilized in an emergency condition when the time from discovery of the emergency to the time when the pesticide use is needed is insufficient to allow for the authorization of a specific, quarantine, or public health exemption.

[51 FR 1902, Jan. 15, 1986, as amended at 71 FR 4510, Jan. 27, 2006]

§ 166.3 Definitions.

Terms used in this part have the same meaning as in the Act. In addition, as used in this part, the following terms shall apply:

Act means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

Agency and EPA mean the U. S. Environmental Protection Agency.

Beneficial organism means any pollinating insect, or any pest predator, parasite, pathogen or other biological control agent which functions naturally or as part of an integrated pest management program to control another pest.

Emergency condition means an urgent, non-routine situation that requires the use of a pesticide(s) and shall be deemed to exist when:

(1) No effective pesticides are available under the Act that have labeled uses registered for control of the pest